

## REMARKS

The Office Action reflects careful consideration of the application by the Examiner, and same is appreciated. The Office Action will be responded to by reference to the numbered items starting in the detailed action on page 2 of the Office Action

In item 2 of the Office Action, the Examiner said that applicant was at one point saying that the addition of a flame retardant is necessary, and at other times not. She pointed out where there were still indications that the FR agent is optional. Applicant has amended the specification to remove or revise the passages pointed out by the examiner.

In items 11, 12, 14, and 15 the Examiner rejects the claims as being anticipated by or obvious from the disclosures of JP 07-157977 or EP 503114. It is believed that the amendment to claim 42 to recite the addition of the antimicrobial as part of the composition with which the fabric is saturated overcomes these rejections. Neither the Japanese nor the European reference includes an antimicrobial agent as a finishing agent, so the claims patentably distinguish over the references.

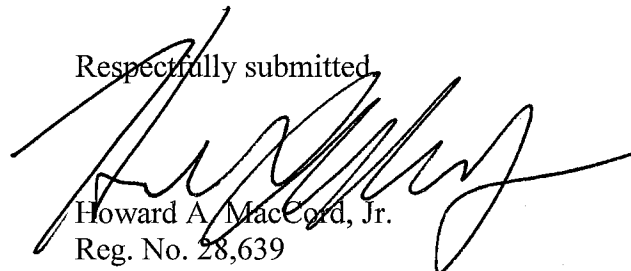
It is acknowledged that in paragraphs 16-19, the examiner rejected claims that include the use of the antimicrobial agent as obvious from JP 07-157977 or EP 503114 in view of White et al (A Comparison of Antimicrobials for the Textile Industry, 2000) or U.S. Patent 4,842,766 to Blehm et al. These rejections are believed to be in error. While the White and Blehm references teach the use of antimicrobials on fabrics, they do not mention use on inherently FR polyester, as claimed. As applicant has pointed out numerous times, the makers of inherently FR polyester fibers specifically teach NOT to apply various finishes, in order to avoid loss of FR properties. See applicant's specification at page 2, line 9-16. Thus, those working in the field of inherently

FR polyester fabrics treat them differently than ordinary polyester. What may have been obvious for conventional polyester was not obvious for inherently FR polyester. Accordingly, it is believed that the claims, which now recite "saturating the fabric with a composition containing a flame retardant and an antimicrobial agent and one or more of a fluid repellant agent and a soil repellant agent" distinguish over the prior art.

Furthermore, new claim 43 recites the steps of making the fabric into a product selected from the group consisting of a bedspread, bedding, drapery, or furniture upholstery. This claim is supported by the specification at page 1, line 28-page 2, line 4. The fabrics of JP 07-157977 or EP 503114 are awning fabrics. Those of ordinary skill would not consider use of the awning fabrics for bedspread, tablecloth, bedding, drapery, or furniture upholstery. The prior art fabrics are thick and bulky, unsuited to the end uses of claim 43. The Japanese reference, in particular, uses a thick coating (at least 20g/m<sup>2</sup>-see paragraph 16) of resin so the awning will be both water repellent and water resistant. It would not be suited for cutting and sewing into the items of claim 43.

It is believed that this application is now in condition for allowance. This should include withdrawn claims 25-29, 35-29, and 41, since they are dependent on allowable claim 42. Again, if the Examiner has any remaining concerns, she is encouraged to telephone the undersigned for expeditious handling.

Respectfully submitted,



Howard A. MacCord, Jr.  
Reg. No. 28,639  
MacCord Mason, PLLC  
P.O. Box 2974  
Greensboro, NC 27402  
(336) 273-4422

File: 2250-13A  
Date: July 20, 2007

CERTIFICATE OF EFS FILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS  
BEING FILED WITH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE'S  
ELECTRONIC FILING SYSTEM (EFS)  
ON July 23, 2007  
(Date of Deposit)

Christian E. Carter-Seyboth

Name of Depositor

Christian E. Carter-Seyboth

Signature